

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES)	CASE NO. : 03CR10349WGY
)	
)	
v.)	
)	
JUAN MONTERO,)	
DEFENDANT)	

**MOTION TO CONTINUE THE DATE FOR FILING OBJECTIONS
TO THE PRESENTENCE REPORT AND THE DATE FOR SENTENCING**

The defendant moves this Honorable Court continue the date for filing objections to the PSR and the date for sentencing. The defendant states as reason in support thereof, that both the government and the defendant entered into the Plea Agreement believing that the defendant had only one Criminal History point. According to the PSR, the defendant may, in fact, have three convictions in Lynn, Fitchburg and Brockton District Courts, for drug distribution offenses, which would make him a career offender. Presently, there is no photograph or fingerprint evidence to support the allegation that the defendant is the same person who was convicted in Brockton for a drug offense.

Since counsel for the defendant was not aware of two of the convictions, he

has not previously obtained the appropriate documentation regarding those offenses to determine if they are appropriate for the court's consideration and he has not investigated whether the third conviction is for the defendant or someone else. Furthermore, counsel has not examined the "convictions" in order to determine if they can be overturned.

Wherefore, the defendant requests that this Honorable court postpone the time for filing objections to the PSR and the date for sentencing, until such time that counsel can complete his investigation of the facts underlying the convictions. Defendant's counsel has conferred with AUSA William Weinreb, who assents to this Motion to Continue.

JUAN MONTERO
By his attorney,

/s/ John Salsberg
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Dated: April 11, 2005